

REMARKS

Prior to entry of this amendment, Claims 1-42 are pending in the application. Claims 1-42 were the subject of a Restriction Requirement.

Please amend Claims 13 and 17 as set forth herein.

Applicants provisionally elect, with traverse, Group I, containing Claims 1-12 and 22-42, for prosecution in this case.

Applicants respectfully traverse the Restriction Requirement of Claims 1-12 and 22-42 and Claims 13-21. The Restriction Requirement of Group II is based on the fact that the claims of Group II are being misclassified into class 714, subclass 749.

Applicants respectfully submit that the Examiner has a misunderstanding of the two subclasses upon which the Restriction Requirement is based.

Class 714, subclass 748 relates to subject matter in which the digital data error correction is achieved by retransmission of data responsive to a request. Class 714, subclass 749 relates to subject matter in which a retransmission of data is initiated upon the condition that no acknowledgment (ACK) signal is returned from the receiver. Inventions in subclass 748 perform their retransmission in response to a request; whereas, inventions in subclass 749 perform their retransmission when no request is received. One example of a request in subclass 749 is the ACK. Subclass 749 inventions are directed to performing a retransmission when no signal is received, which is certainly not receiving a signal to which to respond.

It is respectfully submitted that the Examiner misunderstands a negative acknowledgement (NACK). It is well known in the art that in current receivers, there are now two signals returned from a receiver to initiate a retransmission, the ACK and a negative

acknowledgement (NACK). The NACK is in fact a signal returned from a receiver. A negative acknowledgement is a signal returned from a receiver, and is not "no acknowledgement" as required in subclass 749. A NACK signal is a signal noting an error occurrence of the signal received from the error detection signal generator to controller of the modules within the receiver, not a signal transmitted between transceivers in an air link.

Claims 13-21 perform their retransmission in response to a request, that request is the error detection signal, as recited in amended Claims 13 and 17.

By classifying Claims 13-21 into subclass 749, the Examiner is misclassifying Claims 13-21. Claim 13-21 in fact belong to class 714, subclass 748 since these claims relate to subject matter in which digital data error correction is achieved by retransmission of data, which is in fact responsive to a request.

Based on at least the foregoing, withdrawal of the Restriction Requirement is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-12 and 22-42, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over the typed name.

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